

REMARKS

Applicants note that all amendments and cancellations of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of furthering the prosecution of the application and to further Applicants' business interests, and without waiving the right to prosecute the amended or cancelled Claims (or similar Claims) in the future.

In the Office Action mailed August 2, 2010, the Examiner issued a number of rejections. Each of the rejections is discussed in detail below.

I. The Claims are Enabled

In the Office Action of August 2, 2010, Claims 1-16 are rejected under 35 U.S.C. §112, first paragraph, as allegedly non-enabled. The Examiner states that the specification "...does not reasonably provide enablement for the following: 1) A method of inhibiting a Th2 cytokine or inducing a Th1 cytokine; 2) a method of stimulating any immune response other than one that inhibits a Th2 cytokine and induces a Th1 cytokine; 3) A method of treating a inflammatory skin disease that administers any other CpG ODN other than SEQ ID NO:2; and 4) A composition for preventing an inflammatory skin disease." (Office Action, page 4).

In order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, and while preserving the right to prosecute the same (or similar claims) in the future, Claims 1, 7, 11 and 16 to refer to compositions and methods utilizing the oligonucleotides described by SEQ ID NOs: 2-8 and canceled claims 5, 9 and 13. Applicants have further amended Claims 1 and 7 to refer to both inhibiting a Th2 cytokine and inducing a Th1 cytokine. Applicants have also removed the language "in need thereof" from Claims 1 and 7. In addition, new Claims 22 and 23, which indicate that the inflammatory skin disease is atopic dermatitis, have been added. Support for the amendments and new claims can be found throughout the specification (e.g., Example 5).

Applicants submit that Examples 1 and 5 of the specification demonstrate that the CpG-ODNs of SEQ ID NOs: 2-8 have the effect of IL-8/IL-12 activation and treatment of inflammatory skin diseases. Accordingly, applicants submit that the specification fully enables compositions and methods of using the oligonucleotides described by SEQ ID NOs: 2-8.

Applicants submit that Claims 1-16 are enabled. Nonetheless, applicants now provide the declaration of Dr. Tae-Yoon Kim, one of the inventors of the present application. Dr. Kim's

declaration describes experiments conducted using the methods described in the present application. The declaration describes the effects of oligonucleotides 4-3 (SEQ ID NO:3); 4-4 (SEQ ID NO:4), 4-8 (SEQ ID NO:5), 4-9 (SEQ ID NO:6), 4-10 (SEQ ID NO:7), 4-11 (SEQ ID NO:8) on IgE production and IFN- γ production. The declaration describes that the oligonucleotides of SEQ ID NOs: 3-8 have activity similar to that of the oligonucleotide of SEQ ID NO:2, which the Examiner has acknowledged is enabled in the compositions and methods of the presently claimed invention.

Applicants submit that they have provided evidence that CpG ODNs of SEQ ID NOs: 2-8 have equivalent activity and thus that one of skill in art would not need to undertake undue experimentation to utilize the oligonucleotides of SEQ ID NOs: 3-8 in the compositions and methods of the presently claimed invention. Further, the Examiner has acknowledged (Office Action, pg. 5) that the specification teaches that a CpG ODN that inhibits a Th2 cytokine and induces a Th1 cytokine is an effective treatment for inflammatory skin disease such as atopic dermatitis. Accordingly, applicants respectfully submit that Claims 1-16 are fully enabled by the specification, and should be passed to allowance.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that Applicants have addressed all grounds for rejection and Applicants' claims should be passed to allowance. Reconsideration of the application is respectfully requested. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourages the Examiner to call the undersigned collect at (608) 662-1277.

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Respectfully submitted,

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